

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ABS-CBN CORPORATION, et al.,

Plaintiffs,

V.

ANTHONY BROWN,

Defendant.

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CASE NO. 3:19-cv-00397

**PLAINTIFFS’ MOTION FOR LEAVE TO EXCEED THE COURT’S 30-PAGE
LIMIT ON PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO
VACATE OR SET ASIDE DEFAULT JUDGMENT AND
MEMORANDUM OF LAW IN SUPPORT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiffs ABS-CBN Corporation, ABS-CBN Film Productions, Inc. d/b/a Star Cinema, and ABS-CBN International (collectively, “ABS-CBN” or “Plaintiffs”) file this Motion for Leave to Exceed the Court’s 30-Page Limit on Plaintiffs’ Response to Defendant’s Motion to Vacate or Set Aside Default Judgment and Memorandum of Law in Support (“Motion”), and would respectfully show the Court as follows:

I. RELEVANT FACTS AND ARGUMENT

1. On December 5, 2019, ABS-CBN filed this action against the defendant, Anthony Brown (“Defendant”), pursuant to Section 705 of the Federal Communications Act of 1934, as amended, (“Communications Act”) (47 U.S.C. § 605), and the Lanham Act (15 U.S.C. § 1114), for using counterfeits and infringements of ABS-CBN’s registered trademarks in connection with his illegal promotion and sale of “Smart” TV

boxes that have been designed or modified to circumvent ABS-CBN's encryption technology to enable his customers to unlawfully intercept and access ABS-CBN's copyrighted programming without compensating ABS-CBN. See Complaint [Dkt.1].

2. On February 25, 2020, a default was entered against the Defendant for failing to answer or otherwise appear in this case. See Clerk's Entry of Default [Dkt. 13].

3. On August 12, 2020, ABS-CBN filed its Motion for Entry of a Final Default Judgment and Permanent Injunction Against Defendant, and Memorandum of Law in Support ("Motion for Default Judgment") [Dkt. 19], and Appendix in Support of [the Motion for Default Judgment] ("App. to MDJ") [Dkt. 20]. In its Motion, ABS-CBN requested permanent injunctive relief, and statutory damages under both the Communications Act (47 U.S.C. § 605(e)(3)(C)(i)(II)) and the Lanham Act (15 U.S.C. § 1117(c)).

3. On January 6, 2021, the Court held a hearing on the Plaintiffs' Motion for Default Judgment by telephone. The Defendant called in and participated in the hearing. Thereafter, on January 8, 2021, the Court entered a Permanent Injunction ("Injunction") [Dkt. 26] in which the Court, among other things, found that ABS-CBN's allegations against the Defendant were deemed admitted by his default, and enjoined the Defendant from engaging in certain acts or omissions.

4. On March 5, 2021, the Court entered a Default Judgment [Dkt. 29] awarding ABS-CBN, among other things, total statutory damages in the sum of \$1,600,000.00, consisting of \$100,000.00 in damages under the Communications Act and \$1,500,000.00 in damages under the Lanham Act.

5. On April 2, 2021, the Defendant filed a Motion to Vacate or Set Aside the Default Judgment (“Motion to Vacate”) [Dkt. 31].

6. ABS-CBN is contemporaneously filing with this Motion, its Response to the Defendant’s Motion to Vacate (“Response”).

7. ABS-CBN has tried in good faith to be concise and keep the size of its Response within the 30-page limit set by this Court, while properly presenting and supporting its claims. However, the date of execution, signature block, and certificate of service extend to the 31st page.

8. Accordingly, to the extent necessary, ABS-CBN respectfully requests leave to exceed the Court’s 30-page limit, and respectfully submits that granting this Motion is in the interest of justice, and will not prejudice the Defendant.

II. PRAYER FOR RELIEF

For these reasons, ABS-CBN respectfully requests that the Court enter an Order granting this Motion, and allowing ABS-CBN’s Response to exceed thirty (30) pages.

(date of execution, signature block, and certificate of service are on the following page)

Dated: April 23, 2021

Respectfully submitted,

BY: s/Steven M. Abbott
Steven M. Abbott
State Bar No. 00797825
Federal I.D. No. 9027
Attorney-in-charge for Plaintiffs
ABS-CBN Corporation, ABS-CBN
Film Productions, Inc., and ABS-
CBN International
510 Bering Drive, Suite 300
Houston, Texas 77057
Telephone: (713) 467-1669
Facsimile: (713) 467-4936
E-mail: abbottsteven@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2021, a true and correct copy of the above and foregoing document was duly served upon the Defendant through his counsel, Anissah Andang, a known user of the Court's ECF system, through the electronic filing of this document.

s/Steven M. Abbott
Steven M. Abbott